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## UNITED STATES DISTRICT COURT

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Northern District of California

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Oakland Division

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ALBINA PIETRZEK, BASCIA MICHALAK,

No. C 11-01142 LB

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Plaintiffs,

**ORDER REMANDING CASE**

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v.

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TARGET CORPORATION, EXCEL  
BUILDING SERVICES, LLC,

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Defendants.

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On September 12, 2011, after the court granted leave to amend, Plaintiffs Albina Pietrzek and Bascia Michalak filed an amended complaint. *See* ECF No. 17.<sup>1</sup> The amended complaint is identical to the complaint previously filed as an exhibit to Plaintiff's Motion to Amend. *See* ECF No. 13-2.

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As the court ruled when it gave leave to amend, the amended complaint - which adds Excel Building Services, a non-diverse defendant, and makes minimal changes to the factual allegations - destroys federal diversity jurisdiction. ECF No. 17 at 2, ¶ 5, 7. At the hearing the parties agreed, and the court now holds, that the court lacks subject-matter jurisdiction and that remand is appropriate and fair. *See* ECF No. 17 at 2, ¶ 7; ECF No. 16 at 4-5. *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 351 (1988).

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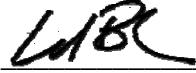
<sup>1</sup> Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 All parties named in the amended complaint have consented to this court's jurisdiction.

2 Accordingly, the court now remands the case to Alameda County Superior Court.

3 **IT IS SO ORDERED.**

4 Dated: February 29, 2012

  
5 LAUREL BEELER  
6 United States Magistrate Judge